

## SENATE BILL No. 306

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-20.5-1

**Synopsis:** Hypnotist regulation. Amends the hypnotist certification law concerning exemptions and examinations. Establishes procedures under which the hypnotist committee may issue a cease and desist order. Increases penalties for practicing hypnotism without proper certification. Requires a medical referral before a hypnotist may treat a smoking addiction or obesity.

**Effective:** July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 306

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 25-20.5-1-1, AS AMENDED BY P.L.14-2002,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 1. **(a)** This chapter does not apply to the  
4       following:

- 5           (1) A licensed dentist practicing dentistry under IC 25-14.
- 6           (2) A licensed physician practicing medicine under IC 25-22.5.
- 7           (3) A licensed osteopath practicing medicine under IC 25-22.5.
- 8           (4) A licensed psychologist practicing psychology under
- 9           IC 25-33.

10       **(b) This chapter does not apply to an individual described in this**  
11       **subsection if the individual practices hypnosis only while acting**  
12       **within the scope of the individual's official duties or the**  
13       **individual's professional practice or employment:**

- 14           ~~(5)~~ **(1)** A certified social worker or clinical social worker
- 15           practicing social work or clinical social work under IC 25-23.6.
- 16           ~~(6)~~ **(2)** A registered nurse licensed under IC 25-23.
- 17           ~~(7)~~ **(3)** A certified marriage and family therapist practicing



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marriage and family therapy under IC 25-23.6.

~~(8)~~ (4) An individual who teaches Lamaze prenatal and delivery relaxation techniques to pregnant women.

~~(9)~~ (5) A law enforcement officer who:

(A) is trained in hypnotism; and

(B) uses hypnosis only for law enforcement purposes;

~~(10)~~ (6) A licensed chiropractor practicing the science of chiropractic under IC 25-10.

~~(11)~~ (7) An individual who performs hypnotism exclusively for entertainment or amusement purposes at a theater, night club, or other place that offers entertainment to the public for consideration or promotional purposes, **excluding public or private schools and state supported or private colleges and universities.**

SECTION 2. IC 25-20.5-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) An individual may not:

(1) profess to be a hypnotist or hypnotherapist;

(2) use the title "hypnotist" or "hypnotherapist"; or

(3) use the prefix "hypno" with any word or use initials, words, letters, abbreviations, or insignia indicating or implying that the individual is a hypnotist certified under this chapter;

unless the individual is certified under this chapter.

(b) An individual who violates this section commits a ~~Class B~~ **Class A** misdemeanor.

SECTION 3. IC 25-20.5-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the committee.

(b) The committee shall provide for examinations that test an individual's knowledge of the basic and clinical sciences as the sciences relate to hypnotism, hypnotism theory and procedures, ethics, and other subjects the committee considers useful to test an individual's fitness to practice as a hypnotist.

(c) A qualified applicant who fails an examination and is refused a certificate may take the next scheduled examination upon payment of an additional fee determined by the board.

**(d) A qualified applicant who fails the examination three (3) times must receive fifty (50) hours of additional classroom training before retaking the examination.**

SECTION 4. IC 25-20.5-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) Except as

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provided in section 1 of this chapter, an individual who is certified under this article may not treat or perform a procedure on an individual for a medical, dental, or psychological problem without a referral from a licensed physician, psychologist, or dentist. Medical, dental, or psychological problems include:

- (1) mental illnesses, including depression and phobias;
- (2) addictions, including **smoking and** gambling;
- (3) sexual disorders, including impotence and sexual aversion;
- (4) preparation for a medical or dental procedure;
- (5) pain and physical complaints, including headaches and nausea; ~~and~~
- (6) eating disorders, **including obesity; and**
- (7) personality disorders, kleptomania, sleepwalking, and bedwetting.

The board may adopt rules under IC 4-22-2 to list specific medical, psychological, and dental problems that are included under this subsection.

~~(b) A referral is not required under this section to treat or perform a procedure on a person who desires to quit smoking or to lose weight.~~

~~(c)~~ **(b)** An individual who violates this section commits a Class A misdemeanor.

SECTION 5. IC 25-20.5-1-25, AS ADDED BY P.L.14-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 25. (a) An individual may not practice hypnotism unless the individual is certified under this chapter.

(b) An individual who knowingly violates this section commits a Class ~~A misdemeanor~~. **D felony.**

SECTION 6. IC 25-20.5-1-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. **(a) If the committee determines that an individual who is not certified or not exempt under this article is engaged in or believed to be engaged in activities that require certification under this article, the committee may issue an order to the individual requiring the individual to show cause why the individual should not be ordered to cease and desist from the activities.**

**(b) A show cause order issued under subsection (a) must set forth a date, time, and place for a hearing under IC 4-21.5 at which the individual may appear and show cause why the individual should not be subject to certification under this article.**

**(c) If the committee, after a hearing, determines that the activities in which the individual is engaged are subject to**

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1 certification under this article, the committee may issue a cease  
2 and desist order that identifies the individual and describes the  
3 activities that are the subjects of the order.

4 (d) A cease and desist order issued under this section is  
5 enforceable in a circuit or superior court.

6 SECTION 7. [EFFECTIVE JULY 1, 2004] IC 25-20.5-1-25, as  
7 amended by this act, applies to offenses committed after June 30,  
8 2004.

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